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OFFICE OF PETITIONS

In re Application of
Autrey et al.
Application No. 10/001,235
Filed: November 13, 2001
Attorney Docket No. 23-59243

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DECISION ON PETITION

This is a decision on the "PETITION FOR REVIVAL UNDER 37 C.F.R. 1.137(b) OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY," filed March 22, 2004 to revive the above-identified application.

The petition is **GRANTED**.

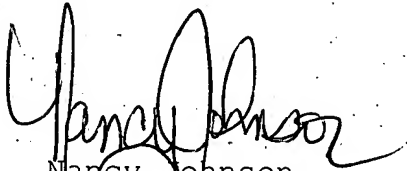
The above-identified application became abandoned for failure to file a timely and proper response to the final rejection mailed August 19, 2003. See § 1.135(c). The Office action set a shortened statutory period of three months for reply, with extensions of time obtainable under § 1.136(a). An amendment, made timely by an accompanying petition for a one-month extension of time, was filed on December 22, 2003 (certificate of mailing December 19, 2003); however, it was determined by the examiner not to place the application in condition for allowance (See Advisory Action mailed March 4, 2004). No further reply having been received and no further extension of time obtained, the application became abandoned. A Notice of Abandonment was mailed on March 29, 2004.

Petitioner has met the requirements for revival under 37 CFR 1.137(b). The petition includes payment of the petition fee, the required reply in the form of a Notice of Appeal (and appeal fee) and a statement of unintentional delay.

The two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)), runs from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Pursuant to this decision, a request to process the Notice of Appeal in due course has been forwarded to the examiner of record.

Telephone inquiries regarding this decision may be made to the undersigned at (703) 305-0309.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions